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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,894	03/19/2004	Edward P. Browne	PO-8155/MD-04-18	8194

157 7590 05/20/2008

BAYER MATERIAL SCIENCE LLC
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PITTSBURGH, PA 15205

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 05/20/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

DEFECTIVE APPEAL BRIEF (Filed March 19, 2008)

1. The appeal brief filed on March 19, 2008 is defective because it is *unsigned*. 37 CFR 1.33. A ratification properly signed is required.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.

2. The brief does not contain the items required under 37 CFR 41.37 (c), or the items are not under the proper heading or *in the proper order*. After the Arguments section (VII.

ARGUMENT), the brief concludes with:

- VIII. CONCLUSIONS;
- XI. CLAIMS APPENDIX;
- X. EVIDENCE APPENDIX;
- XI. RELATED PROCEEDINGS APENDIX.

The inclusion of a heading titled “CONCLUSIONS” puts the remaining headings, as a whole, in improper order. The conclusions should not be listed with their own numbered heading; rather, they should be incorporated into the ARGUMENT section as sub-heading “D.” Furthermore, there should be one numeral assigned to each heading. Currently both the CLAIMS APPENDIX and the RELATED PROCEEDINGS APPENDIX are designated as XI.

3. A corrected brief should conclude with the following:

- VII. ARGUMENT

The argument section should conclude with the following sub-heading:

“D. Conclusions.” Furthermore, this sub-heading should conclude with an authorized signature –*see page 12 of the instant brief.*

- VIII. CLAIMS APPENDIX

The appendix should start on a new page and include the claims, as presented on pages 13-15 of the instant brief.

- IX. EVIDENCE APPENDIX

The appendix should start on a new page and indicate “none”.

- X. RELATED PROCEEDINGS APPENDIX

The appendix should start on a new page and indicate “none”.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is (571)272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Feely/
Primary Examiner, Art Unit 1796

May 19, 2008